S.B.Cr.Misc. 2nd Bail App. No.5778/2007

(Dayal Singh Vs. State of Rajasthan)

Date of order : December 07, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.N.S.Rathore, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

This is second bail application. While rejecting the earlier bail application, the petitioner was granted liberty to file a fresh bail application after filing of the challan. Learned counsel for the petitioner has placed on record the challan papers.

I have heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioner that the offence under section 19/54 of the Rajasthan Excise Act is triable by the Court of Judicial Magistrate and the petitioner is in custody since September, 2007 about three months and the trial is likely to take long time and the Police concluded the investigation and filed the challan.

Having regard to the facts and circumstances of the case

and taking into account the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Dayal Singh s/o Baal Singh Rajput be released on bail in FIR No.193/2007, P.S. Kuchaman, Distt. Nagaur provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-